

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

NATHEN W. BARTON,

CASE NO. 3:21-cv-05610-DGE

Plaintiff,

## ORDER ON DISCOVERY DISPUTE AND CALENDARING MOTIONS

JOE DELFGAUW et al.,

Defendant.

The Court reviewed the Parties' Joint Discovery Dispute. (Dkt. No. 489.) The Court concludes that on balance, Defendant's responses to Plaintiff's interrogatories are sufficiently responsive, and ordering additional responses would only be dilatory at this stage. However, Defendant's signature fails to comply with Federal Rule of Civil Procedure 33(b)(3), which requires that answers to interrogatories must be produced "under oath." The response is not signed under penalty of perjury and only attests that Defendant answered "to the best of my knowledge." (Dkt. No. 489-1 at 8.) *See Deseret Mgmt. Corp. v. United States*, 75 Fed. Cl. 571, 573 (2007) (holding that phrase "to the best of my knowledge" negated oath). Accordingly,

1 Defendant shall promptly re-produce his interrogatory responses with an attestation under oath  
2 that complies with Rule 33.

3 The renewed discovery in this matter is now closed. Any dispositive motions must be  
4 filed by July 14, 2025. Any responses are due July 28, 2025. The Clerk shall calendar this  
5 event.

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7 Dated this 24th day of June, 2025.

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David G. Estudillo  
United States District Judge